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House Bill _____
By _____

Senate Bill No.SJR0040
By Fowler

A RESOLUTION concerning the principle of federalism and the
10th Amendment to the Constitution of the
United States.

WHEREAS, the principle of federalism was central to the debate concerning the
ratification of the Constitution of the United States; and

WHEREAS, the purpose of the principle of federalism was ably expressed by Thomas
Jefferson in his First Annual Message when he said that the federal "government is charged
with the external and mutual relations only of these states; that the states themselves have
principal care of our person, our property, and our reputation, constituting the great field of
human concerns"; and

WHEREAS, this same truth was expressed by James Madison, the principal author of
our Constitution in The Federalist No. 45 as follows:

The powers delegated by the proposed Constitution to the Federal Government
are few and defined. Those which are to remain in the state governments are numerous
and indefinite. The former will be exercised principally on external objects, as war,
peace, negotiation (sic), and foreign commerce; with which last the power of taxation
will for the most part be connected. The powers reserved to the several states will

extend to all the objects, which, in the ordinary course of affairs, concern the lives, liberties and properties of the people, and the internal order, improvement, and prosperity of the states;

and

WHEREAS, our founding fathers understood that federalism and the corresponding sovereignty of the states actually served to protect individual liberties by providing a check against the powers of the federal government; and

WHEREAS, this principle found expression in the 10th Amendment to the Constitution and provides as follows:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people;

and

WHEREAS, much federal legislation and many federal mandates are directly in violation of the principle of federalism and the 10th Amendment, regulating those matters over which the states were to have the “principal care”;

WHEREAS, the Supreme Court of the United States, in derogation of the principle of federalism and with utter disregard for the 10th Amendment, has further undermined the sovereignty of the States by expansive interpretations of the powers given the federal government and of the Fourteenth Amendment to the Constitution; and

WHEREAS, the only safeguard of liberty against a federal judiciary that either itself usurps or allows the usurpation by Congress of the powers intended to be reserved to the States is the right of the United States Senate to confirm judicial nominations and of Congress to initiate and try cases of impeachment; and

WHEREAS, the executive and legislative branches of federal government have abrogated their respective responsibilities to the states and to the citizens thereof with respect to the preservation of a judiciary that will recognize and protect through its judgments the

principle of federalism and the corresponding rights of the several sovereign states; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING,

That (1) the State of Tennessee hereby claims sovereignty under the 10th Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution.

(2) That this resolution serve as Notice and Demand to the federal government to cease and desist, effective immediately, mandates and legislation that are beyond the scope of its constitutionally delegated powers.

(3) That this resolution serve as Notice and Demand to the Executive and Legislative branches of our federal government, as the sole protectors against judicial tyranny, hereinafter to begin to ensure by the exercise of their respective powers of nomination, confirmation and , where necessary, impeachment, a federal judiciary that recognizes the historical principle of federalism and a federal government of limited powers, as expressed in the 10th Amendment.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Justices of the Supreme Court of the United States, the Speaker of the House and the President of the Senate of each state legislature of the United States of America and Tennessee's Congressional Delegation.